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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/352,976	07/14/1999	MICHAEL D. GILBERT	00169-027001	2851

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GOODWIN PROCTER LLP
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BOSTON, MA 02109-2881

EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/352,976

Applicant(s)

GILBERT, MICHAEL D.

Examiner

Victor S. Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8,9,14-26,28-30,32 and 66-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 81 is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,9,14-26,28-30,32 and 66-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 12/15/2005. Applicants' amendments to the specification, claims 1-14, cancellation of claims 78 and 79, and new claims 80 and 81 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

Election/Restrictions

4. The amended claims 78 and 79 are rejoined with the product group.

Rejections Based on Prior Art

5. Claims 1, 5, 6, 8, 9, 14-22, 25, 26, 28-30, 32 and 68-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Moulton et al. (US 5441830), and evidenced by Koga (US 5565284), generally as set forth in section 7 of Office actions dated 8/26/2005 and 3/22/2005, together with the following response to argument.

Since Applicant has not made any new argument, the responses in the prior Office actions are maintained.

For newly amended claims 78 and 79, the Examiner repeats that (see Office action mailed 8/26/2005, page 4) it is old and well known that the bond between a

Art Unit: 1771

composite electrode and an electrically conductive surface is weakened by a faradaic reaction at the interface over time, as evidenced by the teaching of Koga (US 5565284) which expressly teaches that charge-discharge cycles exacerbates the interfacial adhesion (bond) between the current collector and the electrode layer. Further, the Examiner would like to again remind Applicant that the structure and composition of Moulton's teachings read on the instant invention as claimed.

For new claim 80, Moulton teaches a layer of a solid polymeric matrix, electrically-conducting, adhesion promoter comprising from about 30 to 80 weight percent of a conductive material; from about 20 to about 70 weight percent of a polymer derived from solid matrix forming monomer or partial polymer thereof (column 3, lines 24-29, and lines 39-43, and line 64 to column 4, line 6).

6. Claims 4, 23, 24, 66 and 67 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Moulton et al. (US 5441830), and evidenced by Koga (US 5565284), generally as set forth in section 8 of Office action dated 3/22/2005, together with the following response to argument.

Since Applicant has not made any new argument, the responses in the prior Office actions are maintained.

Allowable Subject Matter

7. Claim 81 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The amount of polymer in the composition "at least 75% by weight of the

composition" is greater than the range of "about 20 to about 70 weight percent of a polymer" taught by Moulton, as set forth above. Since Moulton's invention is directed to conductive composition, it is neither obvious nor suggested by Moulton that a greater amount of polymer in the composition would adequately maintain its required conductivity as an electrode material.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

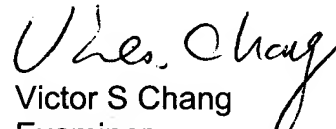
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

Art Unit: 1771

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S Chang
Examiner
Art Unit 1771

1/24/2006